



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Dennis Kennedy, Mayor
Larry Carr, Mayor Pro Tempore
Hedy L. Chang, Council Member
Greg Sellers, Council Member
Steve Tate, Council Member

REDEVELOPMENT AGENCY

Dennis Kennedy, Chair
Hedy L. Chang, Vice-Chair
Larry Carr, Agency Member
Greg Sellers, Agency Member
Steve Tate, Agency Member

WEDNESDAY, JUNE 19, 2002

AGENDA

JOINT MEETING

CITY COUNCIL MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

7:00 P.M.

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(Deputy City Clerk/Deputy Agency Secretary Malone)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(Deputy City Clerk/Deputy Agency Secretary Malone)

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

CITY COUNCIL REPORT

Mayor Kennedy

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

Report from the Finance & Audit Committee

- 1) **INFORMATIONAL REPORT ON CABLE TELEVISION PRICING PACKAGES** 1
Presentation from David McGough, Charter Communications Regional Manager

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.
(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE DEPUTY CITY CLERK.**
(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE CITY
CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council Action

CONSENT CALENDAR:

The Consent Calendar, Agenda Items #2 through #21 and Items #22 and #23 may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate

Page

Consent Calendar: 1 - 10 Minutes

- 2) **MAY 2002 FINANCE AND INVESTMENT REPORT** 3
Recommended Action(s): **Accept and File** Report.
- 3) **ANNUAL HOUSEHOLD HAZARDOUS WASTE CONTRACT** 29
Recommended Action(s): **Authorize** the City Manager to Execute the Second Amendment to the Agency Agreement for Countywide Household Hazardous Waste Collection Program in the Amount of Up to \$10,000 of City Funds Once the Budget is Adopted.
- 4) **RECYCLING CONTAINER PURCHASE** 37
Recommended Action(s): **Authorize** the City Manager to Execute the Purchase.
- 5) **COMPUTER EQUIPMENT PURCHASE** 39
Recommended Action(s): **Authorize** the City Manager to Purchase Computer Equipment and Software in the Amount of \$52,189.39.
- 6) **AMEND CONSULTANT AGREEMENT FOR PACIFIC GEOTECHNICAL ENGINEERING AT THE
COMMUNITY AND CULTURAL CENTER PROJECT** 41
Recommended Action(s): **Amend** Consultant Agreement for Pacific Geotechnical Engineering at the Community and Cultural Center Project.

- 7) **APPROVAL OF RIGHT-OF-WAY PURCHASE AGREEMENTS FOR BUTTERFIELD EXTENSION, PHASE IV PROJECT (APN: 817-58-012 AND 817-32-053)** 43
Recommended Action(s): **Authorize** the City Manager to Execute Purchase Agreements with the Owners of APNs 817-58-012 and 817-32-053 for Total Compensation of \$22,504 Plus Escrow and Closing Costs for the Acquisition of These Properties.
- 8) **APPROVE PURCHASE OF A PORTABLE 150 KW GENERATOR FOR WELL SITES AND BOOSTER STATIONS** 49
Recommended Action(s): **Approve** the Purchase of a Model D150P4 CARB/EPA Certified Caterpillar Olympian Diesel Driven Trailer Mounted Generator from Peterson Power System, Inc. for \$39,349.00.
- 9) **ACCEPTANCE OF SUBDIVISION IMPROVEMENTS FOR TRACT 9252, SPRING MANOR SUBDIVISION** 51
Recommended Action(s):
1. **Adopt** Resolution No. 5575, Accepting the Subdivision Improvements Included in Tract 9252, Commonly Known as Spring Manor, and
2. **Direct** City Clerk to File a Notice of Completion with the County Recorder's Office.
- 10) **ACCEPTANCE OF COMMERCIAL SUBDIVISION IMPROVEMENTS FOR WALGREENS** 57
Recommended Action(s):
1. **Adopt** Resolution No. 5576, Accepting the Commercial Subdivision Improvements for Walgreens, and
2. **Direct** the City Clerk to File a Notice of Completion with the County Recorder's Office.
- 11) **CALL GENERAL ELECTION TO BE HELD ON NOVEMBER 5, 2002** 63
Recommended Action(s):
1. **Adopt** Resolution No. 5577, Calling Election to be Held on November 5, 2002 to Elect Mayor, and Two City Council Members; and
2. **Adopt** Resolution No. 5578, Requesting the Services of the County of Santa Clara Registrar of Voters and the Consolidation of the Election.
- 12) **FINAL MAP ACCEPTANCE FOR CENTRAL PARK PHASE V (TRACT 9426)** 69
Recommended Action(s):
1. **Approve** the Final Map, Subdivision Agreement, and Improvement Plans;
2. **Authorize** the City Manager to Sign the Subdivision Improvement Agreement on Behalf of the City; and
3. **Authorize** the Recordation of the Map and the Subdivision Improvement Agreement Following Recordation of the Development Improvement Agreement.
- 13) **REJECTION OF BIDS FOR BOYS RANCH RESERVOIR #3** 81
Recommended Action(s): **Reject** the Bids Received on May 2, 2002.
- 14) **COMMUNITY AND CULTURAL CENTER PROJECT MAY CONSTRUCTION PROGRESS REPORT** 83
Recommended Action(s): **Information** only.
- 15) **SETTING OF ANNUAL PUBLIC HEARING FOR FOX HOLLOW-MURPHY SPRINGS LIGHTING AND LANDSCAPE ASSESSMENT DISTRICT** 91
Recommended Action(s): **Approve** Resolutions 5579, 5580, and 5581, Setting the Annual Public Hearing for the Fiscal Year 2002-2003 Fox Hollow-Murphy Springs Lighting and Landscaping Assessment District.

16)	<u>FISCAL YEAR CONSULTANT AGREEMENT WITH CARL MILEFF & ASSOCIATES, INC. AND NAFFA INTERNATIONAL FOR PLAN CHECKING SERVICES</u>	187
	<u>Recommended Action(s):</u>	
	1. <u>Approve</u> a New Fiscal Year Contract with Carl Mileff & Associates, Inc. for the Amount of \$40,000,	
	2. <u>Approve</u> a New Fiscal Year Contract with Naffa International for the Amount of \$30,000; and	
	3. <u>Authorize</u> the City Manager to Execute the Contracts, Subject to Review by City Attorney.	
17)	<u>AWARD OF CONTRACT FOR COSMO/MONTEREY SANITARY SEWER REPLACEMENT PROJECT</u>	199
	<u>Recommended Action(s):</u>	
	1. <u>Relieve</u> the Low Bidder, Due to an Error in the Low Bid, and	
	2. <u>Award</u> Contract to Monterey Peninsula Engineering (MPE) for the Construction of the Cosmo/Monterey Sanitary Sewer Replacement Project in the Amount of \$627,910.00.	
18)	<u>INVESTMENT POLICY UPDATE</u>	201
	<u>Recommended Action(s):</u>	
	1. <u>Review</u> and <u>Adopt</u> Updated Investment Policy for the City, and	
	2. <u>Review</u> and <u>Adopt</u> Updated Investment Policy for the Redevelopment Agency.	
19)	<u>MITIGATION MONITORING PROGRAM FOR THE CATHOLIC HIGH SCHOOL PROJECT</u>	245
	<u>Recommended Action(s):</u> <u>Approve</u> , by Minute Action, the Mitigation Monitoring Plan for the Catholic High School Project.	
20)	<u>APPROVE SPECIAL CITY COUNCIL MEETING MINUTES OF JUNE 3, 2002</u>	261
21)	<u>APPROVE SPECIAL CITY COUNCIL MEETING MINUTES OF JUNE 5, 2002</u>	263

City Council and Redevelopment Agency Action

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
22)	<u>APPROVE SPECIAL AND REGULAR CITY COUNCIL MEETING AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF JUNE 5, 2002</u>	265

Redevelopment Agency Action

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
23)	<u>CONTRACT AMENDMENT FOR VBN ARCHITECTS</u>	281
	<u>Recommended Action(s):</u> <u>Authorize</u> the City Manager to Execute an Amendment to the Approved Contract in the Amount of \$183,525.	

City Council Action

PUBLIC HEARINGS:

	Time Estimate		Page
24)	5 minutes	<u>DEVELOPMENT AGREEMENT AMENDMENT DAA 01-06: COCHRANE-COYOTE ESTATES</u>	307
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed.	
		Council Discussion.	
		Action- <u>Motion to Waive</u> the Reading in Full of Development Agreement Amendment (DAA) Ordinance No. 1566, New Series.	
		<u>Motion to Introduce</u> DAA Ordinance No. 1566, New Series, by Title Only. (Roll Call Vote)	
25)	5 minutes	<u>DEVELOPMENT AGREEMENT AMENDMENT DAA 00-05: MALAGUERA-MANCIAS</u>	319
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed.	
		Council Discussion.	
		Action- <u>Motion to Waive</u> the Reading in Full of the Development Agreement Amendment (DAA) Ordinance No. 1567, New Series.	
		<u>Motion to Introduce</u> DAA Ordinance No. 1567, New Series, by Title Only. (Roll Call Vote)	
26)	5 minutes	<u>DEVELOPMENT AGREEMENT AMENDMENT DAA 00-08: BERKSHIRE-SINGH</u>	331
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed.	
		Council Discussion.	
		Action- <u>Motion to Waive</u> the Reading in Full of the Development Agreement Amendment (DAA) Ordinance No. 1568, New Series.	
		<u>Motion to Introduce</u> DAA Ordinance No. 1568, New Series, by Title Only. (Roll Call Vote)	
27)	5 minutes	<u>CONFIRMING THE SANTA CLARA COUNTY FIRE MARSHAL'S REPORT RELATING TO WEED ABATEMENT</u>	345
		<u>Recommended Action:</u>	
		Public Hearing Opened.	
		Action- Continue Public Hearing to July 10, 2002.	

OTHER BUSINESS:

	Time Estimate		Page
28)	5 minutes	<u>EXCEPTION TO LOSS OF BUILDING ALLOCATION, ELBA-02-02: McLAUGHLIN-JONES</u>	347
		<u>Recommended Action(s): Adopt</u> Resolution No. 5574, Granting An Exception to Loss of Building Allocation.	

29)	15 minutes	<u>EXCEPTION TO LOSS OF BUILDING ALLOCATION, ELBA-02-03: EAST DUNNE-GREWAL</u> 359 <u>Recommended Action(s):</u> <u>Adopt</u> Resolution No. 5582, Granting an Exception to Loss of Building Allocation.
30)	10 minutes	<u>REQUEST FROM INDEPENDENCE DAY, INC. (IDI) TO AMEND RECENTLY ADOPTED CITY-IDI CONTRACT</u> 367 <u>Recommended Action(s):</u> Council <u>Discretion.</u>
31)	3 minutes	<u>ADOPTION OF URGENCY ORDINANCE APPROVING AMENDMENT TO CONTRACT WITH CALPERS</u> 375 Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed. Council Discussion. Action- <u>Motion to Waive</u> the Reading in Full of Urgency Ordinance No. 1565, New Series. <u>Motion to Introduce</u> Urgency Ordinance No. 1565, New Series, by Title Only. (Roll Call Vote)

City Council Action and Redevelopment Agency Action

OTHER BUSINESS:

	Time Estimate		Page
32)	1 minute	<u>ADOPT ORDINANCE NO. 1563, NEW SERIES</u> 383 An Ordinance of the City Council of the City of Morgan Hill Approving a Zoning Amendment Changing the Zoning from Service Commercial (CS) and Administrative Office (CO) to Planned Unit Development (PUD) and to Establish a Precise Development Plan for the Site. (APN 817-02-03, 04, 05, 022, 023, & 038)	
33)	1 minute	<u>ADOPT ORDINANCE 1564, NEW SERIES</u> 393 An Ordinance of the City Council of the City of Morgan Hill Approving of Development Agreement Application DA 02-01 for Application MP 00-31: Church - South County Housing (APNs 817-02-03, 04, 05, 022, 023, & 038)	

Redevelopment Agency Action

OTHER BUSINESS:

	Time Estimate		Page
34)	30 minutes	<u>MORGAN HILL CHAMBER OF COMMERCE MARKETING PLAN</u> 397 <u>Recommended Action(s):</u> 1. <u>Receive</u> Presentation on the Morgan Hill Chamber of Commerce Marketing Plan; 2. <u>Provide</u> Staff with Comments on the Plan; and 3. <u>Direct</u> Staff to Report Back Within 3 Weeks with a Recommendation.	

City Council Action and Redevelopment Agency Action

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure to Initiation of Litigation

Authority: Government Code Sections 54956.9(b) & (c)

Number of Potential Cases: 2

2.

CONFERENCE WITH LEGAL COUNSEL - POTENTIAL AND EXISTING LITIGATION: CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Legal Authority: Government Code 54956.8 & 54956.9(a) & (c) (1 potential case)

Real Property(ies) involved: APN 728-31-007 & 008; 25.50 acres located on the southwesterly side of Cochrane Road (St. Louise Hospital property)

City Negotiators: Agency Members; Executive Director; Agency Counsel; F. Gale Conner, special counsel; Rutan & Tucker, special counsel

Case Name: San Jose Christian College v. City of Morgan Hill

Case Numbers: Ninth Circuit Court of Appeal No. 02-15693

Closed Session Topic: Potential Existing Litigation/Real Estate Negotiations

3.

CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATOR

Legal Authority: Government Code 54956.8

Real Property Involved: APNs 773-06-008 & 009, 905 West Main Avenue, 24.54 acres

Negotiating Parties:

For City/Agency: City Manager/Executive Director; City Attorney/Agency Counsel;
Director of Business Assistance & Housing Services

For Property Owners: Virginia Acton 1993 Trust

Closed Session Topic: Acquisition of Real Property

4.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority: Government Code section 54956.9(a)

Name of Cases (3) : Santa Teresa Citizen Action Group et al. v. Environmental Appeals Board of the United States EPA ; Santa Teresa Citizens Action Group et al. v. California Energy Commission ; Santa Teresa Citizens Action Group et al. v. California Energy Commission ;

Case No/Court (3) : Ninth Circuit Court of Appeals, No. 01-71611; Sacramento County Superior Court Civil No. 01 CS 01830; California Supreme Court Case No. S 103019

Attendees: City Manager; City Attorney; Stephan Volker, Special Counsel.

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT